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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 683rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 17 January 2001, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Lithuania (CRC/C/11/Add.21; HRI/CORE/1/Add.97; CRC/C/Q/LIT/1; written replies of the Government of Lithuania to the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Kairelis, Mr. Rimkūnas, Ms. Imbrasienė, Mr. Borisovas, Ms. Mikalauskaitė, Mr. Plikšnys, Ms. Barakauskienė, Ms. Armonavičienė and Mr. Jatkevičius (Lithuania) took places at the Committee table.

2. Mr. KAIRELIS (Lithuania) said that, when his country had ratified the Convention on the Rights of the Child in 1995, it had just recovered its independence and was at the beginning of a period of transition. The political, economic and social changes that had taken place since had significantly affected family life and the lives of children, and the Government had sought to deal with the new situation quickly, by modifying the legal system and adopting new laws. The new codes, the Civil Code, which was to come into force on 1 July 2001, and the Criminal Code, which was scheduled to come into force in 2003, had special provisions on the protection of the rights and interests of children, as did the Criminal Procedural Code and the Administrative Code. The latter two were expected to be enacted and applied by 2003 at the latest.

3. The Government had also set up an institutional framework for the protection and the promotion of the rights of the child. In 1994, a National Service for the Protection of the Rights of the Child had been established along with corresponding municipal services under the aegis of the Ministry of Social Security and Labour. In 2000, an Ombudsman for the rights of the child had been appointed. The country thus had adequate structures to ensure follow-up and implementation of the Convention, and could henceforth concentrate on strengthening and coordinating implementation activities.

4. For several years the Government had been paying special attention to the situation of children deprived of parental care. It was attempting, through the provision of financial and legal assistance, to encourage the placement of such children in foster families. In 2000, it had also adopted a National Plan of Action for Poverty Reduction, which emphasized the promotion of children's rights and the social protection of families and children. In January of the same year, it had adopted a National Programme Against Commercial and Sexual Exploitation of Children. The Government's next objective was to ratify by the end of 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO).

5. Various steps had been taken to raise awareness among children and the public in general of the principles set forth in the Convention and to promote the participation of children in taking decisions which concerned them. The most striking was the establishment as part of the 2000 Year of the Youth of Lithuania of a Schoolchildren's Parliament, whose members had been appointed by the country's secondary schoolchildren. The Schoolchildren's Parliament had held its first session on 26 and 27 April 2000 and had submitted various proposals to the President of the Republic, the Chairman of the Seimas (Parliament), the Prime Minister and the ministers concerned.

6. Ms. MOKHUANE welcomed the adoption of numerous laws to strengthen the protection of children's rights in Lithuania and the programmes that had recently been established, in particular those combating child prostitution and juvenile delinquency. She would like to know, however, whether any steps had been taken to ensure the full independence of the Ombudsman for children's rights, how children were represented on the Council for Children's Affairs and whether they took part in monitoring the implementation of the Convention. As the Council apparently did not yet have its own budget she asked what means it had at its disposal to carry out its mandate. The entry into force of the Law on the Fundamentals of Protection of the Rights of the Child should be accompanied by the preparation and adoption of other instruments related to that subject. What progress had been made in that regard?

7. Noting that the report did not clearly indicate what sensitization measures had been or should be adopted, she asked whether the Convention was included in school curricula and whether it was available in the libraries. She would also like to know what methods would be used to reduce the disparities in pre-school education between the rural and urban areas. Lastly, had the various suggestions made by the non-governmental organizations (NGOs) consulted during the drawing up of the report been taken into account, and had their suggestions produced any practical results?

8. Mr. DOEK wished to know who was responsible, within the Government, for coordinating activities related to children's rights, whether there was a mechanism for consultation or coordination between the Ombudsman and the parliamentary Committee for Human Rights and how the roles of the two institutions differed. Information would also be welcome on the budget and staff of the Ombudsman's office and on his plans for future work.

9. What were the provisions of the new Civil Code in respect of the equal treatment of children born out of wedlock and of nationality? Would the introduction of the new Criminal Code involve a transformation of the juvenile justice system?

10. According to the core document, the country's administrative units (cities and regions) were entitled to the right of self-government. He would thus like to know what kind of decisions could be taken at the local level, and how that decentralization was reflected in budgetary terms. Three administrative levels appeared in the presentation of the education budget: central, municipal and national. What was the difference between the central and national budgets? Did the existence of a municipal budget mean that the State transferred money to the municipalities and, if so did that practice apply also to fields other than education? In general, what were the respective responsibilities of the State and the municipalities?

11. Why were persons with disabilities considered to be children only until the age of 16? Did that definition mean that disabled minors over 16 years of age benefited from other protective measures?

12. Mr. FULCI, noting that, according to information from the United Nations Children's Fund (UNICEF) and various NGOs, the legal standards in force in the State party were not sufficiently adapted to the country's new society, asked whether the new Civil and Penal Codes

had been drafted to remedy that situation. Had the provisions of the Convention already been invoked in court?

13. Since the Ombudsman for the rights of the child was a member of the delegation, he asked her to inform the Committee to whom she reported, what resources she had and how children were informed of possibilities and means (such as hotlines) of contacting her. In general, were children aware of their rights? How did the Government and NGOs cooperate to make the Convention known? Lastly, it would be useful if the delegation could provide additional information on the policies and programmes for children of minority groups, particularly those hailing from the east and living in rural areas.

14. Ms. EL GUINDI would like to have some details of the composition, mandate and financial resources of the Council for Children's Affairs and some information on the social services provided for orphans.

15. Mr. RABAH requested more information on the new laws that had been enacted and on the policies and programmes implemented since the report had been drafted, as well as on the ways in which the various ministries ensured coordination, both among themselves and with NGOs.

16. Ms. RILANTONO, noting the persistence of wide gaps in living standards, asked what progress had been made recently in combating poverty and what proportion of the State budget was assigned to social services. While welcoming the establishment of the Council for Children's Affairs, she asked to what extent NGOs participated in its activities and were involved in the decision-making process. Was the Convention taught as part of the school curricula?

17. Ms. TIGERSTEDT-TÄHTELÄ, referring to the decentralization process and the role of the local authorities, asked whether the latter had the capacity to levy taxes or were dependent on appropriations distributed by the State. The delegation could also give some details of how the social protection system was funded and how revenue from privatization was used. Being aware of the fact that, in the Soviet era, the administration had been extremely top-heavy, she would like to know whether the privatization and decentralization processes had been accompanied by an effort to rationalize it so as to increase transparency and good governance.

18. Ms. SARDENBERG said that Lithuania had submitted a report containing a wealth of information and critical observations, but which would have been better still if it had given more details of the results obtained, particularly in the case of the programmes against family violence, neglect, exploitation and trafficking in human beings. The profound changes occurring in Lithuania raised a number of questions. Firstly, had any research been carried out to assess the impact of the current changes on the situation of children and if so, had specific policies been devised on the basis of their conclusions? As NGOs played a particularly important role in countries in transition, she would like to know whether they had been given a genuine status, and whether they could receive public financial assistance. Was the concept of the child as a subject of law compatible with the cultural identity of the country?

19. She would also be interested to learn whether the activities carried out in 2000 in the context of the Year of the Youth of Lithuania had been evaluated, and how the Government had

used resources made available to it through bilateral and multilateral assistance. The delegation might also tell the Committee what lessons had been learned from the establishment of the Schoolchildren's Parliament.

20. Ms. KARP asked what had been done to encourage the public to take advantage of the legal provisions to enforce its rights. It would be interesting to know why the new legislation had still not entered into force, although it been drafted several years previously and budget resources had already been allocated for its application. Lastly, she would like some more information on the degree of independence and the powers of the Ombudsman for the rights of the child. In particular, was she entitled to carry out investigations, to inspect institutions and take enforceable decisions, over and above her power to issue recommendations?

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

21. Ms. IMBRASIENÉ (Lithuania) said that the post of Ombudsman for the rights of the child, which she occupied had been created on 25 May 2000, but that her Office had been operating for just two months. The role of the Ombudsman was to supervise the implementation in the country of the Convention on the Rights of the Child, to take part in the process of adopting or amending laws guaranteeing the protection of children's rights, to examine all complaints of violations of those rights lodged against the Government, administrative services, local authorities, NGOs, elected local representatives or any private individuals, and, lastly, to centralize information on the defence of children's rights emanating from the various institutions active in that field. The Ombudsman reported to Parliament once a month and answered questions asked by the parliamentary Committee for Human Rights. In the past two months, 20 cases of violations of children's rights had already been brought to the attention of her Office.

22. Since taking up her post, she had done her best to make her institution known by taking part in radio and television programmes and by meeting journalists and members of the press. Her Office had been well received by the public but, for the moment her powers were limited to issuing recommendations.

23. Ms. MIKALAUSKAITÉ said that, as well as the Ombudsman, Lithuania also had an Advisory Board on Children's Issues, which consisted of an equal number of ministers and NGO representatives. The Board brought together various specialists (including jurists, doctors and scientists) and drew up a complete picture of the situation of children in the country for the President. A Strategic Planning Committee had also been established within the Government. It was chaired by the Prime Minister and consisted of the Ministers of Economic Affairs, Social Security and Labour, Finance, and Justice, its purpose being to establish priorities and allocate budget resources. Some of the duties previously assigned to the National Service for the Protection of the Rights of the Child, which had been established in 1994 to supervise the implementation of the Convention and coordinate the activities of the institutions working in that field at the local level, had been transferred to the Ombudsman for the rights of the child and the Ministry of Social Security and Labour as part of the current restructuring. In addition, the powers of the municipalities had been extended.

24. Training programmes had been set up for social workers and other persons having professional contact with children in order to promote the implementation of the Convention.

Lastly, the National Youth Council had an Advisory Board made up of five ministers and five representatives of NGOs. As part of the 2000 Year of the Youth of Lithuania, the Council had received an additional budget allocation which it had devoted to employment programmes and efforts to combat drug addiction among youths. The results of the evaluation of those programmes should soon be available, and would be published.

25. Lithuania had more than 1,500 NGOs which provided all sorts of services for families, implemented educational programmes and worked for the respect of the rights of numerous disadvantaged groups, such as disabled children and minorities. The Government had excellent relations with them, as shown by their participation in the working groups set up in the context of the revision of the Civil Code and the Family Code.

26. Mr. KAIRELIS (Lithuania) said that various councils had been established to coordinate policy, including one composed of ministers and representatives of trade unions and employers' associations, which dealt with child labour and the social protection of children as well as with the funding of the various programmes to guarantee children's rights. That council had initiated the ratification process for the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). The social security budget had a serious deficit, and a new system based on a three-pillar structure would be set up in the next few years.

27. Unemployment currently stood at 12.6 per cent. Stemming unemployment had become a priority and, in the coming weeks, the Government was to approve a national action plan for employment which would emphasize employment in rural areas, equality of men and women in the labour market and the preparation of young people for a working life. The Government intended to devote the bulk of the capital from the privatisation of former public enterprises to the funding of unemployment benefits and, with the financial support of the World Bank, to the development of infrastructures.

28. Mr. JATKEVIČIUS (Lithuania) said that Lithuania had carried out a review of the Civil and Penal Codes for the purpose of including in them all the texts adopted since it had acceded to the Convention on the Rights of the Child. The new Civil Code would enter into force on 1 July 2001, but the Penal Code would enter into force only in 2003 because its provisions had to be harmonized with those of the Code of Criminal Procedure and the Punishment Enforcement Code, which would not be completely revised until then. The new Criminal Code included alternative punishments for young offenders and measures such as mediation. New institutions would be established within the juvenile justice system, in particular posts for juvenile magistrates and prosecutors specialized in cases involving minors. In accordance with the provisions of the Convention, prison sentences were handed down only as a last resort. Considerable progress had been made in Lithuania in that regard. In the past three years, the number of minors in detention had decreased from 350 to 64.

29. The provisions of the Convention had not yet been invoked directly in court, but Lithuanian law had been brought into line with them and, in one of its decisions, the Supreme Court had established that international law took precedence over domestic law.

30. Mr. PLIKŠNYS (Lithuania) said that, in accordance with the appropriate law, revised in 1995, the municipalities were responsible inter alia for education (teachers' salaries and building

maintenance) and for the civil registry. The Parliament determined what percentage of the State budget should be allocated to the municipalities, which nonetheless levied property tax and inhabited dwelling tax. The municipalities devoted about 50 per cent of their budgets to education. Curricula were defined by the central administration.

31. In 1998, the Government had adopted a civic education programme for secondary schools, which included a section devoted to the Convention. The Convention was taught in primary school as part of the general curriculum. Thanks to private funding, in 1998 and 1999 NGOs had carried out an information campaign for schoolchildren on the Convention using specially designed brochures.

32. The authorities were making efforts to promote equal access to quality education for all children, including those in rural areas; they had therefore drawn up a programme to address three main priorities: modernizing education, improving the social and teaching conditions in schools and harmonizing the education system, with a view to reducing the drop-out rate. The right of persons belonging to national minorities to be educated in their own languages was recognized in the Law on Education. Efforts were currently under way to ensure equality for all children before the age of compulsory school attendance. As from 2003, all children would thus attend kindergarten for at least a year before entering primary school.

33. From the eleventh grade on, pupils would henceforth be able to choose between various optional subjects in addition to the traditionally mandatory ones and, at the end of their secondary studies, they were able to take a State examination through which they could gain direct access to university. Thanks to that newly adopted measure, students from rural areas currently represented 10 per cent of undergraduates.

34. Ms. ARMONAVIČIENĖ (Lithuania) said that the existence and degree of physical disabilities in the case of children under the age of 16 were determined by medical committees at dispensaries, but for persons over 16 it was a medical assessment commission of the Ministry of Social Security and Labour that carried out that task. All physically disabled persons - or in the case of disabled minors their legal guardians - received a disability allowance. The number of disabled children under 16 had been declining steadily since 1995.

35. Ms. MIKALAUSKAITĖ (Lithuania) said that the three sources of funding for social services were the social security budget (maternity and family allowances), the State budget (unemployment benefits) and municipal budgets (assistance for the most disadvantaged). In 1998, allowances had been were introduced for foster families, and had been increased after the adoption of a new law on the subject. The amount of the orphans' allowance had also been significantly increased.

36. The time lag between the adoption of legislation and its entry into force existed because, in a single decade, Lithuania had been obliged to enact a very large number of new laws, but it had not always been able to mobilize the resources required for their application. New draft legislation would henceforth have to include an assessment of its implications for human and financial resources.

The meeting rose at 1 p.m.